EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 4

DOCKET NO.: 2007-1444-MWD-E **TCEQ ID:** RN100528918 **CASE NO.:** 34593

RESPONDENT NAME: City of Pinehurst

ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
X WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
SITE WHERE VIOLATION(S) OCCURR TYPE OF OPERATION: Wastewater treat	ED: City of Pinehurst wastewater treatment facility, ment facility	, 3000 Gull Street, Pinehurst, Orange County
SMALL BUSINESS: Yes X	_ No	
OTHER SIGNIFICANT MATTERS: The facility location.	re are no complaints. There is no record of additiona	al pending enforcement actions regarding this
INTERESTED PARTIES: No one other the	an the ED and the Respondent has expressed an inte	rest in this matter.
COMMENTS RECEIVED: The Texas Reg	ister comment period expired on February 25, 2008.	. No comments were received.
Bryan Sinclair, Enforcement Divis. Respondent: The Honorable Billy	: Ms. Merrilee Hupp, Enforcement Division, Enforcement	

RESPONDENT NAME: City of Pinehurst **DOCKET NO.:** 2007-1444-MWD-E

VIOLATION SUMMARY CHART:

CORRECTIVE ACTIONS VIOLATION INFORMATION PENALTY CONSIDERATIONS u live Pitura (graphy signa) anasanda (Malayada) Pandiranda TAKEN/REQUIRED Type of Investigation: **Corrective Actions Taken:** Total Assessed: \$15,717 Complaint The Executive Director recognizes that the X Routine Total Deferred: \$3,143 Enforcement Follow-up X Expedited Settlement Respondent has implemented the Records Review following corrective measures at the Financial Inability to Pay Facility: Date(s) of Complaints Relating to this a. In May 2006, began analyzing ammonia Case: None **SEP Conditional Offset: \$0** nitrogen once weekly as required by TPDES Permit WQ0010597001; Date of Investigation Relating to this Total Paid to General Revenue: \$12,574 Case: June 6, 2007 b. By June 29, 2007, began using Site Compliance History Classification Date of NOV/NOE Relating to this Case: High X Average Poor potassium iodide to correct for manganese when performing chlorine residual August 3, 2007 (NOE) analysis, checking the accuracy of the **Person Compliance History Classification** colorimeter using secondary standards Background Facts: This was a routine __ High __X_ Average __ Poor while performing chlorine residual investigation. analyses, using a National Institute of Major Source: Yes X No Standards and Technology thermometer to WATER calibrate the laboratory thermometer, and Applicable Penalty Policy: September 2002 had purchased buffer solutions for the 1) Failed to initiate engineering and calibration of the pH meter; financial planning for expansion and/or upgrading of the wastewater treatment c. By June 29, 2007, began including and/or collection facilities when the analysis times in the monitoring records; effluent daily average flow measurements reached 75% of the permitted daily average d. On June 29, 2007, provided a copy of flow limit for three consecutive months. the 2004 and 2006 annual sludge reports Specifically, the flow at the Facility exceeded 75% of its permitted daily to the TCEQ Beaumont Regional Office; average flow limit of 0.5 million gallons e. On June 29, 2007, provided a copy of per day in December 2006 through March the test report for the backflow prevention 2007 [30 Tex. Admin. Code § 305.126(a) device; and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. f. By July 20, 2007, replaced the bulbs in WQ0010597001, Operational the visual alarms at the 34th Street and Requirements No. 8.a.]. West Park lift stations, repaired the alarm at the Warbler lift station, removed the 2) Failed to ensure that the Facility and all grease from the wet well at the 34th Street of its systems of collection, treatment, and lift station, and recoated the wet well lid disposal are properly operated and and replaced the hatch at the Warbler lift maintained. Specifically, the container used for bar screenings had no lid, the station: grating over the on-site influent lift station wet well was severely corroded and g. By July 26, 2007, provided a trash delaminating, a tree was growing in the container with lid for the bar screenings, repaired and recoated the grating over the west side of equalization pond, and the on-site influent lift station wet well, skimmer arm in the clarifier was too short removed the tree from the equalization to contact the outer baffle and remove pond, and extended the skimmer arm in solids from its entire operating surface [30 TEX. ADMIN. CODE §§ 305.125(5) and the clarifier to ensure removal of scum from its entire operating surface; 317.4(b)(4) and (d), and TPDES Permit No. WQ0010597001, Operational h. On July 26, 2007, provided Requirements No. 1]. noncompliance notices for the effluent

1 1 1 1 1 T 7 1101 CC		· · · · · · · · · · · · · · · · · · ·
residual analysis; the pH 7 and 10 buffers		
used to calibrate the pH meter had expired		
in 2006; the accuracy of the colorimeter		
had not been checked with secondary	·	·
standards prior to the daily chlorine		· · · · · · · · · · · · · · · · · · ·
residual analysis; and it could not be		
demonstrated that the laboratory		
thermometer in the sample storage		
refrigerator had been calibrated with a		4
National Institute of Standards and		·
Technology thermometer as required [30		
TEX. ADMIN. CODE § 319.11(c) and (e) and	·	
TPDES Permit No. WQ0010597001,	,	
Monitoring and Reporting Requirements		
No. 2].		
		·
9) Failed to include the time of analysis in		
the record of monitoring activities [30		
Tex. Admin. Code § 305.125(1) and		·
TPDES Permit No. WQ0010597001,		
Monitoring and Reporting Requirements		
No. 3.c.iii.].	·	
		' '
,		
		<u> </u>

Additional ID No(s).: TPDES Permit No. WQ0010597001

RESPONDENT NAME: City of Pinehurst DOCKET NO.: 2007-1444-MWD-E

- 3) Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the bulbs in the visual alarms at the 34th Street and West Park lift stations were missing, the wet well at the 34th Street lift station was approximately 90% covered with grease and solids, and the visual alarm at the Warbler lift station was not operable and the interior of the wet well lid and hatch were very corroded [30 Tex. ADMIN. Code §§ 305.125(5) and 317.3(e)(5), and TPDES Permit No. WQ0010597001, Operational Requirements No. 1].
- 4) Failed to conduct effluent sampling at the minimum frequency specified in the permit. Specifically, in January 2006, the Respondent was monitoring ammonia nitrogen monthly instead of weekly [30 Tex. Admin. Code § 319.5(b) and TPDES Permit No. WQ0010597001, Monitoring and Reporting Requirements No. 1].
- 5) Failed to timely submit a copy of the annual sludge report to the Beaumont Regional Office. Specifically, the 2004 and 2006 annual sludge reports, due September 1 of each corresponding year, were not sent to the TCEQ Beaumont Regional Office as required [30 Tex. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0010597001, Sludge Provisions].
- 6) Failed to submit noncompliance notifications to the TCEQ Beaumont Regional Office for effluent violations more than 40 percent above the permitted limitation for the months of May and June 2006 [30 Tex. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010597001, Monitoring and Reporting Requirements No. 7.c.].
- 7) Failed to retain monitoring and reporting records for three years. Specifically, the backflow prevention device test record was not available for review during the June 6, 2007 investigation [30 Tex. ADMIN. CODE § 317.4(a)(8) and TPDES Permit No. WQ0010597001, Monitoring and Reporting Requirements No. 3.b.].
- 8) Failed to comply with test procedures for the analysis of pollutants with procedures specified in 30 Tex. ADMIN. Code § 319.11. Specifically, potassium iodide was not being used for manganese correction when performing the chlorine

- excursions 40 percent (%) or more above the permitted effluent limitation which occurred in May and June 2006, as well as a standard operating procedure for the submittal of such notifications; and
- i. On August 28, 2007, initiated engineering and financial planning for repairs and upgrading of the collection system of the Facility by approving the budget for an assessment of the system, including labor, equipment, and engineering fees.

Ordering Provisions:

The Order will require the Respondent to:

- a. Within 30 days after the effective date of this Agreed Order, the City shall submit a notice, which may be in the form of an engineering report, to the TCEQ describing any planned physical alterations or additions to the Facility;
- b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the notice and/or engineering report within 30 days after the date of such request or by any other deadline specified in writing; and
- c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance that either authorization to commence construction of the additions or modifications to the Facility has been obtained or that a waiver of 30 Tex. Admin. Code § 305.126(a) requirements has been obtained. Written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.

Policy Revision 2 (Septe	Penalty C	alculatio	n Works	sheet (P	•	on June 26, 2007
0:0						
DATES Assigned PCW	6-Aug-2007 9-Sep-2007 Screening	5-Sep-2007	EPA Due			
RESPONDENT/FACILITY	NFORMATION				1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	THE RESERVE OF THE PERSON OF T
Respondent [Reg. Ent. Ref. No. [City of Pinehurst RN100528918					
Facility/Site Region			Major/	Minor Source	Minor	
CASE INFORMATION			,		la	
Enf./Case ID No.	34593 2007-1444-MWD-E		No.	of Violations Order Type		
Media Program(s)			Ent	Coordinator	Merrilee Hupp	
Multi-Media	imit Minimum \$0	Maximum	\$10,000	EC's Team	EnforcementTeam 1	3811 (2321
Admin. Penalty \$ L	imit Wiinimuni 30		J \$10,000			
	Pena	Ity Calcula	ation Sec	tion		***************************************
TOTAL BASE PENAL	TY (Sum of violation I	oase penalti	es)		Subtotal 1	\$9,300
ADJUSTMENTS (+/-)	TO SUBTOTAL 1					
Subtotals 2-7 are obtain	ed by multiplying the Total Base Pe				-4-1-222	\$6,417
Compliance Histo	The Respondent self-repo		Enhancement	***************************************	otals 2, 3, & 7	\$0,417
Notes	one NOV for same or sim					
	Order cor	ntaining a denia	l of liability.			
Culpability	No	0%	Enhancement		Subtotal 4	\$0
Notes	The Respondent d	nes not meet th	e culpability c	riteria.		
Notes					*	
Good Faith Effort		0%			Subtotal 5	\$0
Extraordinary	Before NOV NOV to EDPF	RP/Settlement Offer 기	•			
Ordinary		75				
N/A	χ (mark with x)		Section 1	V		
Notes	The Respondent of	loes not meet th	ne good faith c	riteria.		
-		00			Subtotal 6	\$0
	Total EB Amounts \$12,440	The state of the s	6 Enhancement* ed at the Total EB	\$ Amount	Subtotal 6	φυ
Approx.	Cost of Compliance \$142,150					
SUM OF SUBTOTAL	S 1-7				Final Subtotal	\$15,717
OTUEN ELOTODO A	D. MOTIOE MAY DEOL	UDE	3 1	1	Adjustment	\$0
Reduces or enhances the Final S	S JUSTICE MAY REQUEST UNITED BY THE STATE OF	e. (Enter number or	ly; e.g30 for -30	<u> </u>		Ψ
Notes	라마스 공통하게 당시한다면 보고 보았다. 보통, 보통 (Survivale) (Balance)					
	The property of the control of the c			Final Pe	enalty Amount	\$15,717
OTATUTODY I INIT A	DUCTMENT			Final Ana	essed Penalty	\$15,717
STATUTORY LIMIT A	ADJUST WIENT			Fillal ASS	essed Fenalty	Ψ10,111
DEFERRAL			20%		Adjustment	-\$3,143
Reduces the Final Assessed Per	nalty by the indicted percentage. <i>(E</i>	nter number only; e	e.g. 20 for 20% re	duction.)		
Notes	Deferral off	ered for expedi	ed settlement			
-						
PAYABLE PENALTY						\$12,574
LAIADLE LENALII			austri projekti (H			7,07.

	Screer	ning Date 5-Sep-2007 Docket No. 2007-1444-MWD-E	·····		PCW
		Spondent City of Pinehurst	Belley Br	0 /Con	
		se ID No. 34593			tember 2002) June 26, 2007
Red		ence No. RN100528918		· · ·	June 26, 2007
	The expension of the ex	[Statute] Water Quality			7.4
		ordinator Merrilee Hupp			10
SERVER REPRESENTATION AND ASSESSMENT OF THE PROPERTY OF THE PR	CHRONICKERSON STREET,	Compliance History Worksheet			\$5
>> Com		y Site Enhancement (Subtotal 2)			
***************************************		Number of	Enter Number Here	Adjust.	1
	NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%	
		Other written NOVs	22	44%	
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%	
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%	
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%	e e e
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%	
		Any criminal convictions of this state or the federal government (number of counts)	0	0%	
	Emissions	Chronic excessive emissions events (number of events)	0	0%	
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0 1 (2) (2) (3) 3 (3) (4) (4)	0%	
		Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%	
			se Enter Yes or No		1
		Environmental management systems in place for one year or more	No	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	. No	0%	
	530	Participation in a voluntary pollution reduction program	No	0%	
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No.	0%	
		Adjustment Po	ercentage (Su	btotal 2)	69%
>> Repe	at Violator (Su				
	No	Adjustment Po	ercentage (Su	btotal 3)	0%
>> Com	– pliance History	y Person Classification (Subtotal 7)			
	Average P	erformer Adjustment Pe	ercentage (Su	btotal 7)	0%
>> Com	pliance History	y Summary			
	Compliance History Notes	The Respondent self-reported twenty-two effluent violations, received one NOV for same violations, and was issued one Agreed Order containing a denial of liability.	∍ or similar		
		Total Adjustment Percentage	(Subtotals 2	3 & 7)	60%

Screening Date	5-Sep-2007	Docket I	No. 2007-1444-MWD-E	PCW
	t City of Pinehurst			evision 2 (September 2002)
Case ID No	70.2 1.84		PO	CW Revision June 26, 2007
Reg. Ent. Reference No				Andreas and Andreas
Media [Statute Enf. Coordinato				
Violation Numbe	~ 			***************************************
Rule Cite(s	30 Tex Admin C	ode & 305 126(a) and TPD	ES Permit No. WQ0010597001,	Residence
Naio oilor		Operational Requireme		
Violation Descriptio	the wastewater treating flow measurements consecutive months.	nent and/or collection facil reached 75% of the permit specifically, the flow at the	ng for expansion and/or upgrading of ities when the effluent daily average ted daily average flow limit for three Facility exceeded 75% of its permitted day in December 2006 through March	
	·		Base Penalty	\$10,000
>> Environmental, Property	and Human Health	Matrix		
The state of the s	Harm			Antoniario
Releas OR Actua		te Minor		
Potentia			Percent 10%	West and the second second
>>Programmatic Matrix				
Falsification	n Major Modera	te Minor	Percent 0%	
<u> </u>			- 070	Samuel Control of the
			pollutants which would not exceed otors as a result of the violation.	
			Adjustment \$9,000	
			•	
				\$1,000
Violation Events				
Number of \	/iolation Events 1	91	Number of violation days	
	daily monthly			ленование и поставание и постава
mark only on with an x	guarterly		Violation Base Penalty	\$1,000
One quart	erly event is recommend	ed from the June 6, 2007 in 2007 screening date.	nvestigation date to the September 5,	
Economic Benefit (EB) for	this violation		Statutory Limit Test	
Estima	ted EB Amount	\$12,412	Violation Final Penalty Total	\$1,690
		This violation Final A	ssessed Penalty (adjusted for limits)	\$1,690
			, (, (,	

	Е	conomic E	Benefit W	orks	heet		
Respondent	City of Pinehurs	it			1991 1. \$4.	and the second	- !
Case ID No.	34593					to all a way	1
Reg. Ent. Reference No.	RN100528918				g + 4 c - 1 (1)	t a deide i jastina i	Alam Art Art
	Water Quality						Years of
Violation No.	•				1 1 2 2 2	Percent Interest	Depreciation
Violation (40:	1					- 0	2 4 4 2
	_					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$					10000	
1		off the art officers in	Part Mark Char)			
Delayed Costs							
Equipment	\$85,000	28-Feb-2007	1-Jun-2008	1.3	\$356	\$7,126	\$7,482
Bulldings				0.0	\$0	\$0	\$0
Other (as needed)	,			0.0	\$0	\$0	\$0
Engineering/construction	\$56,000	28-Feb-2007	1-Jun-2008	1.3	\$235	\$4,695	\$4,930
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	<u> </u>			0,0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs	high flows an construct. Date	sts include labor, en d the administrative required is in the la the permitted flows	processing of a last of three conse	notice and cutive m	d/or engineering i onths when the fl	eport to obtain an a lows were reported t	uthorization to be above 75%
Avoided Costs	ANN	UALIZE [1] avoide	d costs before e	ntering i	tem (except for	one-time avoided o	osts)
Disposal	****		Fo	0.0	\$0	'\$0	\$0
Personnel				0,0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]	Acceptance and the second	7	1, 7	0,0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	00.000.00000000000000000000000000000000		l'annual de la company	0.0	\$0	· \$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs		The second of th					x:1374 372-37
Approx. Cost of Compliance		\$141,000			TOTAL		\$12,412

Screening Da	te 5-Sep-2007	Docke	t No. 2007-1444-MWD-E	PCW
	nt City of Pinehurst			Policy Revision 2 (September 2002)
Case ID N	1.10000			PCW Revision June 26, 2007
Reg. Ent. Reference N				
	te] Water Quality			
Enf. Coordinat Violation Numb				
Violation Numb		ode 88 305 125/5) 317 4/h)(4) and (d), and TPDES Permit	No. 1
Nuie Oite	W	Q0010597001, Operationa	Requirements No. 1	utating (i
Violation Descripti	disposal are properly screenings had no ion severely corroded an pond, and the skimm	operated and maintained. olid, the grating over the old d delaminating, a tree was ter arm in the clarifier was	systems of collection, treatment, Specifically, the container used n-site influent lift station wet well growing in the west side of equa too short to contact the outer baf as documented during the June on.	for bar was lization fle and
			Base	Penalty \$10,000
>> Environmental, Propert				
Relea	Harı ase Major Modeı			
	ual Wajor Woder	ate Millos		
Poten		X .	Percent 5%	
>>Programmatic Matrix				
Falsificati	ion Major Mode	rate Minor	Percent 0%	
			Percent 0%	-
Matrix Notes Human he	ealth or the environment of eed levels that are protect	could be exposed to insignitive of human health or enviolation.	ficant amounts of pollutants whic vironmental receptors as a result Adjustment	h would of the \$9,500
				\$500
Violation Events				ψ300
	f Violation Events 1		Number of violation days	
mark only (with an			Violation Base	Penalty \$500
	annual single event x			
	One single event i	s recommended based upo		
Economic Benefit (EB) fo	r this violation		Statutory Limit Tes	
Estim	nated EB Amount	\$2	Violation Final Pena	lty Total \$845
		This violation Final	Assessed Penalty (adjusted fo	or limits) \$845

Case ID No.		it			Pro Maria	and the first of the second of	
Reg. Ent. Reference No. Media Violation No.	Water Quality				(A, 4)	Percent Interest	Years of Depreciation
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	5.0 Onetime Costs	1 EB Amount
Item Description	No commas or \$						
Delayed Costs	-				"1 4 7 1 1 1 1 1 1	, i	
Equipment	\$250	6-Jun-2007	26-Jul-2007	0.1	\$0	\$2	\$2
Buildings :	230.2			0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0 .	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0,0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs Other (as needed)	20.2			0.0	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs		cost for the labor and e repair and recoating is the inves	g of the wet well	grating, a		of the skimmer arm	
	ANIA	UALIZE [1] avoided					anta)
Avaided Costs	AIVII	OALIZE [1] avoided	COSta Dejoie e	0.0	\$0	\$0	\$0 \$0
Avoided Costs	po-5,4				::::::::::::::::::::::::::::::::::::::	ΨΨ' ` `	
Disposal				DESCRIPTION OF THE PARTY OF THE	\$0	sn 1	
Disposal Personnel				0.0	\$0 \$0	\$0 \$0	\$0
Disposal Personnel Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment				0.0	\$0 \$0	\$0 \$0	\$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.0 0.0 0.0 0.0	\$0 \$0	\$0 \$0	\$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0

Screening Date	5-Sep-2007	Docket N	lo, 2007-1444-MWD-E	PCW
Respondent	City of Pinehurst			Policy Revision 2 (September 2002)
Case ID No.				PCW Revision June 26, 2007
Reg. Ent. Reference No.				
Media [Statute]				
Enf. Coordinator Violation Number	······································			
Rule Cite(s)		Code 88 305.125(5), 317.3(e)(5), and TPDES Permit No.	
rtuio cito(c)		0010597001, Operational Re		<u> </u>
Violation Description	disposal are properly alarms at the 34th Str 34th Street lift station v visual alarm at the Warl	operated and maintained. eet and West Park lift statio was approximately 90% cov- bler lift station was not opera	stems of collection, treatment, Specifically, the bulbs in the vi ns were missing, the wet well a ered with grease and solids, ar able and the interior of the wet uring the June 6, 2007 investiga	sual at the add the well lid
			Base F	enalty \$10,000
>> Environmental, Property a	and Human Health N	Matrix		-
	Harm			or control of the con
Release OR Actual		te Minor		
Potential			Percent 10%	
>>Programmatic Matrix				
Falsification	Major Modera	te Minor	Percent 0%	
			reicent 070	***************************************
Human heal	th or the environment wi	ll or could be exposed to a s	significant amount of pollutants	which
Matrix would not	exceed levels protective	of human health or environ	mental receptors as a result of	the
Hotes		violation.		
			Adjustment	\$9,000
			Adjustinent	
vanovanovani				\$1,000
_				
Violation Events				
Number of Vi	olation Events 3	44	Number of violation days	
0.000				
	daily			
mark only one	monthly quarterly x		Violation Base I	Penalty \$3,000
with an x	semiannual			
	annual			
· vooron	single event			***************************************
Three quarte	erly events are recommen	nded for the period from the	June 6, 2007 investigation dat	e to the
	July 20, 2007 date	e of compliance at each of the	ne three lift stations.	
Economic Benefit (EB) for the	nis violation		Statutory Limit Test	
F-4:4-	ed EB Amount	\$3	Violation Final Penal	tv Total \$5,070
Estimate	SU ED AMOUNT			
		This violation Final As	ssessed Penalty (adjusted for	r limits) \$5,070

Respondent Case ID No.	City of Pinehurs 34593	conomic E	Benefit W	orks	heet		
Reg. Ent. Reference No. Media Violation No.	Water Quality					Percent Interest	Years of Depreciation
Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	5.0 Onetime Costs	15 EB Amount
Delayed Costs						,	
Equipment	\$300	6-Jun-2007	20-Jul-2007	0.1	\$0	\$2	\$3
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling				0,0	\$0	n/a	\$0
Remediation/Disposal	\$150	6-Jun-2007	20-Jul-2007	0.1	\$1	n/a	\$1
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs	visual alarm	s, the removal of gr	ease from the 341 arbler lift station.	th Street I	ift station, and the	cement of bulbs and e recoating of the we ligation date and fina	t well lid and
Avoided Costs	ANN	UALIZE [1] avoide	d costs before e	ntering i	tem (except for	one-time avoided c	osts)
Disposal				1 o.o 1	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0,0	\$0	\$0	\$0
Financial Assurance [2]		0.000		0.0	\$0.	\$0	\$0
ONE-TIME avoided costs [3]				0,0	\$0	\$0	\$0
Other (as needed)			1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	0.0	\$0	\$0	\$0
Notes for AVOIDED costs		11 (12 (13 (13 (13 (13 (13 (13 (13 (13 (13 (13					3
Approx. Cost of Compliance		\$450	1970 H. 1970		TOTAL		\$3

Screening Date 5-Sep-2007 Docket No. 2007-1444-MWD-E	PCW
	Pevision 2 (September 2002)
	CW Revision June 26, 2007
Reg. Ent. Reference No. RN100528918	
Media [Statute] Water Quality	
Enf. Coordinator Merrilee Hupp	
Violation Number 4 Rule Cite(s) 30 Tex. Admin. Code § 319.5(b) and TPDES Permit No. WQ0010597001, Monitoring	1
Rule Cite(s) 30 Tex. Admin. Code § 319.5(b) and TPDES Permit No. WQ0010597001, Monitoring and Reporting Requirements No. 1	
Violation Description Failed to conduct effluent sampling at the minimum frequency specified in the permit. Specifically, in January 2006, the Respondent was monitoring ammonia nitrogen monthly instead of weekly.	
Base Penalty	\$10,000
>> Environmental, Property and Human Health Matrix	
Harm	
Release Major Moderate Minor	
OR Actual Potential X Percent 5%	
>>Programmatic Matrix	
Falsification Major Moderate Minor	•
Percent 0%	
	a
Matrix Notes Human health or the environment could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.	
Adjustment \$9,500	ol
Tanjuna	, ga-
	\$500
Violation Events	
Number of Violation Events 1 149 Number of violation days	***************************************
Trumper of Violation Evolve	
daily .	20000000
monthly quarterly violation Base Penalt semiannual	y \$500
annual single event x	
·	-
One single event is recommended for the month of January 2006.	8
Economic Benefit (EB) for this violation Statutory Limit Test	
Estimated EB Amount \$2 Violation Final Penalty Total	al \$845
This violation Final Assessed Penalty (adjusted for limits	\$845

neg, Elli, nelelellice No.	RN100528918					rturtatti oo oo keele	i with Tubu di Tale ti
Media	Water Quality				with the	Percent Interest	Years of
Violation No.	4					B 40 1	Depreciation
5200	Item Cost	Date Required	Final Date	Yrs	Interest Saved	5.0 Onetime Costs	1 EB Amount
ltem Description							
Delayed Costs					1. 2 · · · · · · · · · · · · · · · · · ·	\$1.00 P. (1)	
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	10.00			0.0	. \$0	n/a	\$0
Training/Sampling				0,0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$90	1-Jan-2006	30-May-2006	0.4	\$2	n/a	\$2
Notes for DELAYED costs	analysis had o	t for the additional a nly been conducted	once that month	instead o compliar	of the required on	ce per week. Final	date is the date
	**************************************		l agata hafara a	ntarina i	tem (except for	one-time avoided o	osts)
Avoided Costs	ANN	UALIZE [1] avoided	i costa natora a	ire ili A i			
Avoided Costs Disposal	ANN	UALIZE [1] avoide	i costs before e	0.0	\$0	\$0	\$0
Disposal Personnel	ANN	UALIZE [1] avoide	T COSIS Deloie e	0.0	\$0 \$0	\$0	\$0
Disposal Personnel Inspection/Reporting/Sampling	ANN	UALIZE [1] avoide	T COSTS DEFOTE E	0.0 0.0 0.0	\$0 \$0 \$0	\$0 \$0	\$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN	UALIZE [1] avoide	a costs before e	0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	UALIZE [1] avoide	a costs before e	0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	UALIZE [1] avoide	a costs belote e	0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	UALIZE [1] avoide	a costs delive e	0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0

Screening Date	5-Sep-2007	Docket N	o. 2007-1444-MWD-E	PCW
Respondent	City of Pinehurst		Policy Re	vision 2 (September 2002)
Case ID No.			PO	W Revision June 26, 2007
Reg. Ent. Reference No.	RN100528918			
Media [Statute]	Water Quality			
Enf. Coordinator	<u></u>			
Violation Number				
Rule Cite(s)	30 Tex. Admin. Code §	§ 305.125(17) and TPDES F Provisions	Permit No. WQ0010597001, Sludge	***************************************
Violation Description	Office. Specifically, the	2004 and 2006 annual sludg	e report to the Beaumont Regional ge reports, due September 1 of each nont Regional Office as required.	
			Base Penalty	\$10,000
>> Environmental, Property a	and Human Health N	// Matrix		
	Harm	,		
Release		e Minor		
OR Actual			Domant 00/	
Potential			Percent 0%	
>>Programmatic Matrix				
Falsification	Major Moderat	te Minor		
		X	Percent 1%	
<u> </u>			<u> </u>	
Matrix Notes	About 70 perce	ent (%) of the permit requirer	nent was met.	
Notes			an an ann an	1
			Adjustment \$9,900	
			,	\$100
Anna de la companya d				(Octobalis)
Violation Events				***************************************
			1	
Number of Vi	olation Events 2	1031	Number of violation days	
00000	daily			
mark only one	monthly		Violation Base Penalty	\$200
with an x	semiannual		Violation Base i charty	, , , , , , , , , , , , , , , , , , ,
	annual			
	single event x			
######################################				
	Two single events are	recommended for the two a	nnual sludge reports.	
Economic Benefit (EB) for th	nis violation		Statutory Limit Test	
	d EB Amount	\$14	Violation Einel Danelt, T-4-1	\$338
Estimate	ed EB Amount	\$14]	Violation Final Penalty Total	\$338
		This violation Final Ass	sessed Penalty (adjusted for limits)	\$338

		Economic B	senetit vv	orksh(eet		
Respondent	City of Pinehu	rst			Oa 2 44	er ale de ver	
Case ID No.	34593					ik ir izdžinklins	
Reg. Ent. Reference No.	RN100528918				ا را دولاده	ang adaman	ورود الأوراد
Media	Water Quality						Years of
Violation No.	•					Percent Interest	Depreciation
200	-					5.0	15
	Item Cost	Date Required	Final Date	Yrs In	terest Saved	Onetime Costs	EB Amount
ltem Description	No commas or \$			10000			
Delayed Costs	V			,		Ī	
Equipment			, restriction	1 0,0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling				0,0	\$0	n/a	\$0
Remediation/Disposal			X 20 20 10 10 10 10 10 10 10 10 10 10 10 10 10	0.0	\$0	n/a	\$0
Permit Costs				0,0	\$0	n/a	\$0
Other (as needed)	\$100	1-Sep-2004	29-Jun-2007	2.8	\$14	n/a	\$14
Notes for DELAYED costs	Estimated co	est for the submittal c d the final date is the	of two annual sluc e date both report	lge reports. ts were recei	Date required ved by the Be	n/a is the date the first i aumont Regional Of	\$14 report was due fice.
Notes for DELAYED costs Avoided Costs	Estimated co	ost for the submittal c	of two annual sluc e date both report	dge reports, ts were recei	Date required ived by the Be	n/a is the date the first is aumont Regional Of one-time avoided constituted in the constitute of the	\$14 report was due fice.
Notes for DELAYED costs Avoided Costs Disposal	Estimated co	est for the submittal c d the final date is the	of two annual sluc e date both report	dge reports. ts were recei	Date required ived by the Be n (except for \$0	n/a is the date the first is aumont Regional Of one-time avoided common \$0	\$14 report was due fice.
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel	Estimated co	est for the submittal c d the final date is the	of two annual sluc e date both report	dge reports. ts were recel	Date required lived by the Bei	n/a is the date the first is aumont Regional Of one-time avoided company to \$0.00000000000000000000000000000000000	\$14 report was due fice. sosts) \$0 \$0
Notes for DELAYED costs AVOIDED GOSTS Disposal Personnel Inspection/Reporting/Sampling	Estimated co	est for the submittal c d the final date is the	of two annual sluc e date both report	dge reports. ts were recei	Date required ved by the Be	n/a is the date the first aumont Regional Of one-time avoided cone-time avoided cone	s14 report was due fice. sosts) s0 \$0 \$0
Notes for DELAYED costs AVOIDED GOSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated co	est for the submittal c d the final date is the	of two annual sluc e date both report	dge reports. Is were receiventering item 0.0 0.0 0.0 0.0 0.0	Date required ved by the Bern (except for \$0 \$0 \$0 \$0 \$0	n/a is the date the first is aumont Regional Of one-time avoided cone-time avoided c	\$14 report was due fice. sosts) \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co	est for the submittal c d the final date is the	of two annual sluc e date both report	dge reports. Is were receivered from the recei	Date required (ved by the Be. n (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a is the date the first is aumont Regional Of one-time avoided cone-time avoided cone-time so	\$14 report was due fice. sots) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co	est for the submittal c d the final date is the	of two annual sluc e date both report	ge reports. Is were receivered in the receivered	Date required ved by the Best No. (except for \$0. \$0. \$0. \$0. \$0. \$0. \$0. \$0. \$0. \$0.	n/a is the date the first is aumont Regional Of some time avoided constant is some some some some some some some som	\$14 report was due fice. sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated oc an	ost for the submittal of the final date is the NUALIZE [1] avoide	of two annual sluce e date both report d costs before e	lge reports. Is were receivered in the receivere	Date required (ved by the Be. n (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a is the date the first is aumont Regional Of one-time avoided cone-time avoided cone-time so	\$14 report was due fice. sots) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated oc an	ost for the submittal of the final date is the NUALIZE [1] avoide	of two annual sluc e date both report	lge reports. Is were receivered in the receivere	Date required ved by the Best No. (except for \$0. \$0. \$0. \$0. \$0. \$0. \$0. \$0. \$0. \$0.	n/a is the date the first is aumont Regional Of some time avoided constant is some some some some some some some som	\$14 report was due fice. osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date 5-Sep-2007 Docket No. 2007-1444-MWD-E	PCW
	vision 2 (September 2002)
	W Revision June 26, 2007
Reg. Ent. Reference No. RN100528918	
Media [Statute] Water Quality	
Enf. Coordinator Merrilee Hupp	
Violation Number 6	
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010597001, Monitoring and Reporting Requirements No. 7.c.	
and reporting requirements not not	
Failed to to submit noncompliance notifications to the TCEQ Beaumont Regional Office Violation Description for effluent violations more than 40 percent above the permitted limitation for the months of May and June 2006.	
Base Penalty	\$10,000
>> Environmental, Property and Human Health Matrix	000000
Harm	***************************************
Release Major Moderate Minor	
OR Actual Porcent 1997	***************************************
Potential Percent 0%	
>>Programmatic Matrix	***************************************
Falsification Major Moderate Minor	***************************************
Percent 5%	
Matrix Notes 50% of the requirement was met.	
Adjustment \$9,500	
Adjustment \$9,000	
	\$500
	-117 laterala iu
Violation Events	
Number of Violation Events 2 416 Number of violation days	
daily	
monthly	***************************************
mark only one quarterly Violation Base Penalty	\$1,000
with an x semiannual semiannual	
annual	
single event x	
	1
Two single events are recommended for the two notices which were not submitted to the Beaumont	
Regional Office.	
	<u>U</u>
Economic Benefit (EB) for this violation Statutory Limit Test	
Estimated EB Amount \$6 Violation Final Penalty Total	\$1,690
	\$4.600
This violation Final Assessed Penalty (adjusted for limits)	\$1,690

	Е	conomic Benef	it Worksh	eet		
Respondent 0	City of Pinehurs	st		0.00		
Case ID No. 3	4593					r .
Reg. Ent. Reference No. F	RN100528918			100	P. 15.1 C. 1	Now the second
Media V	Vater Quality				Percent Interest	Years of
Violation No. 6	•				reicent interest	Depreciation
		Secretaria de Caración de Cara			5.0	15
	Item Cost	Date Required Final D	ate Yrs In	terest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$					
Delayed Costs_						
Equipment			0,0	. \$0	\$0 I	\$0
Bulldings		4.90	0,0	\$0	\$0	\$0
Other (as needed)			0,0	\$0	\$0	\$0
Engineering/construction			0.0	\$0	\$0	\$0
Land			0,0	\$0	n/a	\$0
Record Keeping System			0,0	\$0	n/a	\$0
Training/Sampling Remediation/Disposal			0,0	\$0 \$0	n/a	\$0
Permit Costs			0.0	\$0 \$0	n/a n/a	\$0 \$0
Other (as needed)	\$100	5-Jun-2006 26-Jul-2		\$6	n/a	\$6
Notes for DELAYED costs		of the submittal of two nonc of the first of the two reports a the		date complian		
Avoided Costs	ANN	UALIZE [1] avoided costs be	efore entering iter	n (except for	one-time avoided c	osts)
Disposal			0.0	\$0	\$0	\$0
Personnel			0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.0	\$0	\$0	\$0
Supplies/equipment		3 (1 (1 (1 (1 (1 (1 (1 (1 (1 (1 (1 (1 (1	0.0	\$0	\$0	\$0
Financial Assurance [2]	100		-0,0	\$0 *0	\$0	\$0
ONE-TIME avoided costs [3] Other (as needed)			0.0	\$0 \$0	\$0 \$0.	\$0 \$0
Other (as nesded)		н Н	<u> U.U. </u>	ΨΟ	ι φυ. Ι	φυ
9		1874 (1844)				
Notes for AVOIDED costs	and the second		9 P. P. S.	ati saga og sag	Karangan September	
Approx. Cost of Compilance		\$100		TOTAL		A 0
Approx. cost of combitation		\$100		IUIAL	L	\$6

Screening Date	5-Sep-2007	Docket No.	2007-1444-MWD-E	PCW
	City of Pinehurst		Poli	cy Revision 2 (September 2002)
Case ID No.			•	PCW Revision June 26, 2007
Reg. Ent. Reference No.				
Media [Statute]				
Enf. Coordinator				***
Violation Number		217 4(a)(0) and TDDES Darm	it No. WQ0010597001, Monitor	, a
Rule Cite(s)	30 Tex. Admin. Code § 3	and Reporting Requirements		1119
Violation Description	Failed to retain monit backflow prevention de	oring and reporting records for	or three years. Specifically, the able for review during the June	6. 6.
			Base Pena	alty \$10,000
>> Environmental, Property a	ınd Human Health M	latrix		
	Harm			***
Release		Minor		
OR Actual			Percent 0%	
Potential			reiteit 070	
>>Programmatic Matrix				**************************************
Falsification	Major Moderate	e Minor		
	X		Percent 10%	
			2 V 10 - 32 10 50 1	
Matrix Notes	100%	of the requirement was not m	et.	
			Adjustment \$9,	000
				\$1,000
***************************************				14,54,5
Violation Events				
				
	<u> L. 1 </u>		Number of violation days	
www.	daily			***************************************
	monthly			
mark only one	quarterly		Violation Base Pen	alty \$1,000
with an x	semiannual			-
-	annual			***************************************
	single event x			
On	e single event is recomm	ended based upon the June 6	6, 2007 investigation date.	handele service servic
Economic Benefit (EB) for th	nis violation		Statutory Limit Test	
Estimate	ed EB Amount	\$0	Violation Final Penalty T	otal \$1,690
		This violation Final Asse	ssed Penalty (adjusted for lin	nits) \$1,690

	E	conomic <mark>E</mark>	Benefit W	/orksh	eet			
Respondent	City of Pinehurs	it				Tayal yang barang barang		***************************************
Case ID No.	34593				•	State of the same		
Reg. Ent. Reference No.	RN100528918				3.075.6	SOME SARGE	der it bet.	j
Media	Water Quality				3000	Percent Interest	Years of	
Violation No.	7		•			rercent interest	Depreciation	
						5.0	15	
	Item Cost	Date Required	Final Date	Yrs Ir	nterest Saved	Onetime Costs	EB Amount	
Item Description	No commas or \$							
		~~~		***************************************				
Delayed Costs _E				-				i
Equipment		7.37,	1, 13	0.0	\$0	: \$0	\$0	1
Buildings	11.74.0	31.0		0.0	\$0	\$0.	(1.45	1
Other (as needed) Engineering/construction				0.0	\$0 \$0	\$0 \$0	\$0	ł
Land				0.0	\$0 \$0	n/a	\$0 \$0	ı
Record Keeping System	\$50	6-Jun-2007	29-Jun-2007	0.1	\$0	n/a	\$0 \$0	l
Training/Sampling	400	9.001.2001	EG GUN EGG	ő,ö	\$0	n/a	\$0	l
. Remediation/Disposal	25.000			0,0	\$0	n/a	\$0	İ
Permit Costs	4.000			0.0	\$0	n/a	\$0	l
Other (as needed)				0.0	\$0.	n/a	\$0	1 .
Notes for DELAYED costs	and a specificating	documentation	of compliance w	as received	by Beaumont	7 (1989) 1991		
Avoided Costs	ANN	UALIZE [1] avoide	d costs before e			one-time avoided o		ĺ
Disposal Personnel	22.20.00.00.00.00.00.00			0,0	\$0 \$0	\$0 \$0	\$0 \$0	
Inspection/Reporting/Sampling				0.0	\$0	\$0 \$0	\$0	
Supplies/equipment				0.0	\$0	\$0	\$0	İ
Financial Assurance [2]				0.0	\$0	\$0	\$0	İ
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0	İ
Other (as needed)				0.0	\$0	\$0	\$0	,
Notes for AVOIDED costs							, (1)16%	
Approx. Cost of Compliance		\$50			TOTAL		\$0	

Screening Date	5-Sep-2007	Docket No	). 2007-1444-MWD-E	PCW	1
	City of Pinehurst			Policy Revision 2 (September 200	<b>72)</b>
Case ID No.				PCW Revision June 26, 20	107
Reg. Ent. Reference No.					***************************************
Media [Statute]					***************************************
Enf. Coordinator Violation Number	· · · · · · · · · · · · · · · · · · ·				***************************************
Rule Cite(s)	30 Tex. Admin. Code	e § 319,11(c) and (e) and TPD		97001,	
	M	onitoring and Reporting Requi	rements No. 2		***************************************
Violation Description	specified in 30 Tex. Adi used for manganese or and 10 buffers used to colorimeter had not be residual analysis; and the sample storag	n test procedures for the analymin. Code § 319.11. Specifical prection when performing the calibrate the pH meter had eleen checked with secondary sit could not be demonstrated be refrigerator had been calibrated and Technology thermore.	ally, potassium iodide was in chlorine residual analysis; xpired in 2006; the accuracy tandards prior to the daily of that the laboratory thermore ated with a National Institut	not being the pH 7 cy of the chlorine meter in	***************************************
			Base	Penalty \$10,0	00
Notes not exceed	Major Modera  Major Modera  Major Modera  th or the environment co	te Minor		\$9,500	500
Violation Events					
	4	23	Number of violation day	/s	
mark only one with an x	daily monthly quarterly semiannual annual single event x		Violation Base	e Penalty \$2,0	000
Four single	e events are recommend	led for the four different test pr	rocedures which were not fo	· ollowed.	
Economic Benefit (EB) for the	nis violation		Statutory Limit Tes	st	
Estimate	ed EB Amount	\$0	Violation Final Pena	alty Total \$3,	380
		This violation Final Ass	essed Penalty (adjusted f	for limits) \$3,	380
			7 1 7	,,	

	Ε	conomic B	enefit W	/orksh	ieet		
Respondent	City of Pinehurs	t					
Case ID No.	34593					and the second second	
Reg. Ent. Reference No.	RN100528918					the second second	9-1-4-1-1 Police
	Water Quality						Years of
Violation No.	•					Percent Interest	Depreciation
i iolation ito.	•						
	W	D ( D )	F1 15 1	.,		5.0	15
2590950	Item Cost	Date Required	Final Date	Yrs I	nterest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
					to and a second		
Delayed Costs	000	0.1.0007	00 1 000	1			
Equipment	\$60	6-Jun-2007	29-Jun-2007	0.1	\$0	\$0	\$0
Buildings	20.000		<u> </u>		<b>\$</b> 0		\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction Land			* * * * * * * * * * * * * * * * * * * *	0.0	\$0 \$0	\$0	\$0
Record Keeping System				0.0	\$0 \$0	n/a	\$0
Training/Sampling				0.0	\$0 \$0	n/a	\$0
Remediation/Disposal					\$0 \$0	n/a	\$0
Permit Costs				0.0	\$0 \$0	n/a	\$0
Other (as needed)				0.0	\$0 \$0	n/a n/a	\$0 \$0
Other (as needed)	0.50			U.U.	ΨU	l l/d	ΦU
Notes for DELAYED costs	with the analy Technology th	ysis of chlorine residence of chloring residence of chloring the characters. The date of the characters of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chloring residence of chl	uals and pH as te required is th	well as the ne investiga	purchase of a Nation date and fi	ffer solutions) and la lational Institute of S nal date is the date o	tandards and f compliance,
Avoided Costs	ANN	UALIZE [1] avoided	costs before	entering its	m (except for	one-time avoided c	osts)
Disposal				0.0	\$0	\$0	\$0
Personnel			1	0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0,0	\$0	\$0	\$0
Financial Assurance [2]				0,0	\$0	\$0	<b>\$</b> 0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs		20 20 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		\$40,000 GMOC 304.000000			

Screening Date		Docke	et <b>No.</b> 2007-1444-MWD-E	PCW
Respondent				evision 2 (September 2002)
Case ID No. Reg. Ent. Reference No.			P	CW Revision June 26, 2007
Media [Statute]				***************************************
Enf. Coordinator				***************************************
Violation Number	9			a
Rule Cite(s)	30 Tex. Admin. Code	e § 305.125(1) and TPDES and Reporting Requirer	Permit No. WQ0010597001, Monitoring ments, No. 3.c.iii.	
				atomic constant
Violation Description		le the time of analysis in th ocumented during the June	e record of monitoring activities, as 6, 2007 investigation.	
			Base Penalty	\$10,000
>> Environmental, Property a				
Release	Hai Major Mode			
OR Actual Potential			Percent 0%	
	-		<del></del>	
>>Programmatic Matrix Falsification	Major Mode	erate Minor		
		X	Percent 1%	
Matrix Notes	Most (§	90%) of the permit requiren	nent was met.	
		30.000	Adjustment \$9,900	
				\$100
Violation Events				es Area
Number of Vio	olation Events		Number of violation days	
mark only one with an x	daily monthly quarterly semiannual annual single event		Violation Base Penalty	\$100
On	e single event is reco	mmended based upon the	June 6, 2007 investigation date.	
Economic Benefit (EB) for th	nis violation		Statutory Limit Test	
Estimate	d EB Amount	\$0	Violation Final Penalty Tota	I \$169
		This violation Fina	ıl Assessed Penalty (adjusted for limits	) \$169
		ino riolation i ma	(10)	/

Case ID No. Reg. Ent. Reference No.		st			•	en and path 一覧 Personal ARE ARE	
**	Water Quality				4 - 11 - 4 	Percent Interest	Years of Depreciation
						5.0	15
100	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$			"			
Delayed Costs				_			
Equipment				0.0	\$0	\$0	\$0
Buildings				0,0	\$0	\$0	\$0
Other (as needed)			10.00	0,0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System	\$50	6-Jun-2007	29-Jun-2007	0,1	\$0	n/a	\$0
Training/Sampling				0,0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	3,500 (0.000)			0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs	Date require	ed is the investigati	on date and final o	date is the TCEQ.	date compliance	gen and chlorine res e documentation wa	s provided to
			ea costs petore e	nreringit	em (except for	one-time avoided c	osts)
Avoided Costs	ANN	IOALIZE [1] avoid				4.4	
Disposal	ANN	DALIZE [1] avoid		0,0	\$0	\$0	\$0
Disposal Personnel	ANN	DAEIZE [1] avoid		0.0	\$0 \$0	\$0	\$0 \$0
Disposal Personnel Inspection/Reporting/Sampling	ANN			0.0	\$0 \$0 \$0	\$0 \$0	\$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN	UARIZE (I) avoid		0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN			0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	OALICE (1) avoid		0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN			0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)				0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN  State of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the			0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

**Compliance History** Customer/Respondent/Owner-Operator: CN601180862 City of Pinehurst Classification: AVERAGE Rating: 0.56 CITY OF PINEHURST Classification: AVERAGE Site Rating: 1.13 Regulated Entity: RN100528918 ID Number(s): WQ0010597001 **PERMIT** WASTEWATER **PERMIT** TPDES0024171 WASTEWATER **PERMIT** TX0024171 WASTEWATER AIR NEW SOURCE PERMITS ACCOUNT NUMBER OC0411V WASTEWATER LICENSING LICENSE WQ0010597001 3000 Gull St., Pinehurst, Orange Co. Rating Date: September 01 06 Repeat Violator: Location: **REGION 10 - BEAUMONT** TCEQ Region: Date Compliance History Prepared: August 22, 2007 Agency Decision Requiring Compliance History: Enforcement August 22, 2002 to August 22, 2007 Compliance Period: TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History 512-239-4490 Merrilee G. Hupp Phone: Name: **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? No 3. If Yes, who is the current owner? N/A 4. if Yes, who was/were the prior owner(s)? N/A N/A 5. When did the change(s) in ownership occur? Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. ADMINORDER 2006-0479-MWD-E Effective Date: 10/19/2006 Classification: Moderate 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Rgmt Prov: Effluent Limits PERMIT Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of selfreported data. В. Any criminal convictions of the state of Texas and the federal government. N/A Chronic excessive emissions events. C. The approval dates of investigations. (CCEDS Inv. Track. No.) D. 1 09/09/2002 (169416)2 10/10/2002 (169419)3 11/15/2002 (169423)4 12/16/2002 (169427)

5 01/16/2003

6 02/14/2003

7 03/10/2003

8 04/14/2003

9 05/12/2003

10 05/15/2003

11 06/16/2003

12 07/11/2003

13 08/18/2003

14 09/17/2003

15 10/20/2003

(169431)

(169390)

(169393)

(169398)

(169402)

(28502)

(169406)

(169410)

(300139)

(300141)

(300143)

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18 12/09/2003
                           (300145)
        19 01/12/2004
                            (300146)
        20 02/10/2004
                            (300130)
        21 03/09/2004
                            (300132)
        22 04/16/2004
                            (300133)
        23 05/14/2004
                            (300135)
        24 06/07/2004
                            (354029)
        25 07/12/2004
                            (354030)
        26 08/09/2004
                            (354031)
        27 09/17/2004
                            (354032)
        28 10/15/2004
                            (354033)
        29 11/12/2004
                            (354034)
        30 12/15/2004
                            (382933)
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        31 01/06/2005
        32 02/07/2005
                            (382932)
        33 03/07/2005
                            (420739)
        34 04/11/2005
                            (420740)
        35 05/10/2005
                            (420741)
        36 06/14/2005
                            (420742)
        37 07/12/2005
                            (441732)
        38 08/31/2005
                            (441733)
        39 09/16/2005
                            (441734)
        40 10/24/2005
                            (470247)
        41 11/14/2005
                            (470248)
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                            (470249)
        43 01/13/2006
                            (470250)
        44 02/24/2006
                            (470244)
        45 04/10/2006
                            (470245)
        46 04/19/2006
                            (461038)
        47
           04/27/2006
                            (470246)
        48 05/09/2006
                            (499353)
        49
           06/15/2006
                            (499354)
           07/14/2006
                            (521396)
        50
           08/31/2006
                            (521397)
        51
        52 09/18/2006
                            (521398)
        53 10/16/2006
                            (545928)
        54 11/21/2006
                            (545929)
        55 12/19/2006
                            (545930)
        56 08/03/2007
                            (565561)
Written notices of violations (NOV). (CCEDS Inv. Track. No.)
         Date 10/31/2002
                                 (169423)
                                                                             Classification
         Self Report?
                                                                                              Moderate
         Citation:
                            30 TAC Chapter 305, SubChapter F 305.125(1)
                            TWC Chapter 26 26.121(a)[G]
         Description:
                            Failure to meet the limit for one or more permit parameter
         Date 12/31/2002
                                 (169431)
                                                                             Classification
         Self Report?
                                                                                              Moderate
                            30 TAC Chapter 305, SubChapter F 305.125(1)
         Citation:
                            TWC Chapter 26 26.121(a)[G]
         Description:
                            Failure to meet the limit for one or more permit parameter
         Date 02/28/2003
                                 (169393)
         Self Report?
                                                                             Classification
                        YES
                                                                                              Moderate
         Citation:
                            30 TAC Chapter 305, SubChapter F 305.125(1)
                            TWC Chapter 26 26.121(a)[G]
                            Failure to meet the limit for one or more permit parameter
         Description:
         Date 03/31/2003
                                 (169398)
         Self Report?
                                                                             Classification
                                                                                              Moderate
         Citation:
                            30 TAC Chapter 305, SubChapter F 305.125(1)
                            TWC Chapter 26 26.121(a)[G]
         Description:
                            Failure to meet the limit for one or more permit parameter
         Date 05/16/2003
                                 (28502)
         Self Report?
                                                                             Classification
                                                                                              Moderate
         Rqmt Prov:
                            PERMIT WQ 10597-001
```

16 11/18/2003

17 12/05/2003

E.

(300144)

(256823)

The permittee self-reported eighteen violations of the two hour peak flow limitation of Description:

1042 gpm for the time period since the 5/17/00 CCI to 11/02. Additionally the permittee exceeded the daily average flow limitation of 0.5 MGD for the month of

10/02

Self Report?

Classification

Citation:

30 TAC Chapter 305, SubChapter F 305.126(a)

Ramt Prov:

PERMIT WQ 10597-001

Description:

Failure to submit a waiver request or planning materials when daily average flows exceeded 75% of the permitted 0.5 MGD daily average flow for three consecutive

Self Report? NO Classification

Moderate

Ramt Prov:

PERMIT WQ 10597-001

Description:

Mr. Darren May is employed by the City of Pinehurst as a wastewater treatment plant

operator. Mr. May does not hold a valid operations license.

Self Report?

NO

Classification

Minor

Rgmt Prov: Description:

PERMIT WQ 10597-001

While the operators do perform some process control tests, the tests do not follow

the recommended frequency for an activated sludge plant with less than 1.0 MGD discharge, nor are all of the recommended tests conducted. It was noted that the RE

does not perform routine microscopic examination of the activated sludge.

Date 09/30/2003

(300143)

Self Report?

Classification

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

(300132)Date 02/29/2004

Self Report?

Classification

Classification

Classification

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Date 04/30/2004 Failure to meet the limit for one or more permit parameter

(300135)

Self Report?

Moderate

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date 02/28/2005 Self Report?

(420739)

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date 03/31/2005

(420740)

Self Report?

Classification

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date 07/31/2005

(441733)

Self Report? YES Classification

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: 09/30/2005 Failure to meet the limit for one or more permit parameter

Date Self Report? (470247)

(470249)

Classification

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G] Failure to meet the limit for one or more permit parameter

Description: Date 10/31/2005

Classification

Moderate

Self Report?

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

Description: Date 11/30/2005

Failure to meet the limit for one or more permit parameter

Self Report?

Classification

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date 12/31/2005 (470250)Self Report? YES Classification Moderate 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)[G] Description: Failure to meet the limit for one or more permit parameter Date 01/31/2006 (470244)Self Report? Classification Moderate 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)[G] Failure to meet the limit for one or more permit parameter Description: Date 02/28/2006 (470245)Self Report? Classification Moderate 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)[G] Failure to meet the limit for one or more permit parameter Description: Date 04/30/2006 (499353)Self Report? Classification Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G] Description: Failure to meet the limit for one or more permit parameter (499354)Date 05/31/2006 Classification Self Report? YES Moderate 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)[G] Description: Failure to meet the limit for one or more permit parameter Date 06/30/2006 (521396)Self Report? YES Classification Moderate 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)[G] Failure to meet the limit for one or more permit parameter Description: (521397)Date 07/31/2006 Classification Moderate Self Report? YES Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G] Description: Failure to meet the limit for one or more permit parameter Date 10/31/2006 (545929)Classification Self Report? YES Moderate 30 TAC Chapter 305, SubChapter F 305,125(1) Citation: TWC Chapter 26 26.121(a)[G] Failure to meet the limit for one or more permit parameter Description: Date 11/30/2006 (545930)Self Report? YES Classification Moderate 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)[G] Failure to meet the limit for one or more permit parameter Description:

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

1. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	<b>§</b>	TEXAS COMMISSION ON
CITY OF PINEHURST	§	
RN100528918	§	ENVIRONMENTAL QUALITY

### AGREED ORDER DOCKET NO. 2007-1444-MWD-E

#### I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Pinehurst ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

- 1. The City owns and operates a wastewater treatment facility at 3000 Gull Street in Pinehurst, Orange County, Texas (the "Facility").
- 2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
- 3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
- 4. The City received notice of the violations alleged in Section II ("Allegations") on or about August 8, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Fifteen Thousand Seven Hundred Seventeen Dollars (\$15,717) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid Twelve Thousand Five Hundred Seventy-Four Dollars (\$12,574) of the administrative penalty and Three Thousand One Hundred Forty-Three Dollars

(\$3,143) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
  - a. In May 2006, began analyzing ammonia-nitrogen once weekly as required by Texas Pollutant Discharge Elimination System ("TPDES") Permit WQ0010597001;
  - b. By June 29, 2007, began using potassium iodide to correct for manganese when performing chlorine residual analysis, checking the accuracy of the colorimeter using secondary standards while performing chlorine residual analyses, using a National Institute of Standards and Technology thermometer to calibrate the laboratory thermometer, and had purchased buffer solutions for the calibration of the pH meter;
  - c. By June 29, 2007, began including analysis times in the monitoring records;
  - d. On June 29, 2007, provided a copy of the 2004 and 2006 annual sludge reports to the TCEQ Beaumont Regional Office;
  - e. On June 29, 2007, provided a copy of the test report for the backflow prevention device;
  - f. By July 20, 2007, replaced the bulbs in the visual alarms at the 34th Street and West Park lift stations, repaired the alarm at the Warbler lift station, removed the grease from the wet well at the 34th Street lift station, and recoated the wet well lid and replaced the hatch at the Warbler lift station;
  - g. By July 26, 2007, provided a trash container with lid for the bar screenings, repaired and recoated the grating over the on-site influent lift station wet well, removed the tree from the equalization pond, and extended the skimmer arm in the clarifier to ensure removal of scum from its entire operating surface;
  - h. On July 26, 2007, provided noncompliance notices for the effluent excursions 40 percent (%) or more above the permitted effluent limitation which occurred in May and June 2006, as well as a standard operating procedure for the submittal of such notifications; and
  - i. On August 28, 2007, initiated engineering and financial planning for repairs and upgrading of the collection system of the Facility by approving the budget for an assessment of the system, including labor, equipment, and engineering fees.

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- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

#### II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

- 1. Failed to initiate engineering and financial planning for expansion and/or upgrading of the wastewater treatment and/or collection facilities when the effluent daily average flow measurements reached 75% of the permitted daily average flow limit for three consecutive months, in violation of 30 Tex. ADMIN. CODE § 305.126(a) and TPDES Permit No. WQ0010597001, Operational Requirements No. 8.a., as documented during an investigation conducted on June 6, 2007. Specifically, the flow at the Facility exceeded 75% of its permitted daily average flow limit of 0.5 million gallons per day in December 2006 through March 2007.
- 2. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE §§ 305.125(5) and 317.4(b)(4) and (d), and TPDES Permit No. WQ0010597001, Operational Requirements No. 1, as documented during an investigation conducted on June 6, 2007. Specifically, the container used for bar screenings had no lid, the grating over the on-site influent lift station wet well was severely corroded and delaminating, a tree was growing in the west side of equalization pond, and the skimmer arm in the clarifier was too short to contact the outer baffle and remove solids from its entire operating surface.
- 3. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 Tex. ADMIN. CODE §§ 305.125(5) and 317.3(e)(5), and TPDES Permit No. WQ0010597001, Operational Requirements No. 1, as documented during an investigation conducted on June 6, 2007. Specifically, the bulbs in the visual alarms at the 34th Street and West Park lift stations were missing, the wet well at the 34th Street lift station was approximately 90% covered with grease and solids, and the visual alarm at the Warbler lift station was not operable and the interior of the wet well lid and hatch were very corroded.
- 4. Failed to conduct effluent sampling at the minimum frequency specified in the permit, in violation of 30 Tex. ADMIN. CODE § 319.5(b) and TPDES Permit No. WQ0010597001, Monitoring and Reporting Requirements No. 1, as documented during an investigation conducted on June 6, 2007. Specifically, in January 2006, the City was monitoring ammonia nitrogen monthly instead of weekly.

- 5. Failed to timely submit a copy of the annual sludge report to the Beaumont Regional Office, in violation of 30 Tex. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0010597001, Sludge Provisions, as documented during an investigation conducted on June 6, 2007. Specifically, the 2004 and 2006 annual sludge reports, due September 1 of each corresponding year, were not sent to the TCEQ Beaumont Regional Office as required.
- 6. Failed to submit noncompliance notifications to the TCEQ Beaumont Regional Office for effluent violations more than 40 percent above the permitted limitation for the months of May and June 2006, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010597001, Monitoring and Reporting Requirements No. 7.c., as documented during an investigation conducted on June 6, 2007.
- 7. Failed to retain monitoring and reporting records for three years, in violation of 30 TEX. ADMIN. CODE § 317.4(a)(8) and TPDES Permit No. WQ0010597001, Monitoring and Reporting Requirements No. 3.b., as documented during an investigation conducted on June 6, 2007. Specifically, the backflow prevention device test record was not available for review during the June 6, 2007 investigation.
- 8. Failed to comply with test procedures for the analysis of pollutants with procedures specified in 30 Tex. Admin. Code § 319.11, in violation of 30 Tex. Admin. Code § 319.11(c) and (e) and TPDES Permit No. WQ0010597001, Monitoring and Reporting Requirements No. 2, as documented during an investigation conducted on June 6, 2007. Specifically, potassium iodide was not being used for manganese correction when performing the chlorine residual analysis; the pH 7 and 10 buffers used to calibrate the pH meter had expired in 2006; the accuracy of the colorimeter had not been checked with secondary standards prior to the daily chlorine residual analysis; and it could not be demonstrated that the laboratory thermometer in the sample storage refrigerator had been calibrated with a National Institute of Standards and Technology thermometer as required.
- 9. Failed to include the time of analysis in the record of monitoring activities, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010597001, Monitoring and Reporting Requirements No. 3.c.iii., as documented during an investigation conducted on June 6, 2007.

#### III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Pinehurst, Docket No. 2007-1444-MWD-E" to:

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Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the City shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, the City shall submit a notice, which may be in the form of an engineering report, to the TCEQ describing any planned physical alterations or additions to the Facility;
  - b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the notice and/or engineering report within 30 days after the date of such request or by any other deadline specified in writing; and
  - c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance that either authorization to commence construction of the additions or modifications to the Facility has been obtained or that a waiver of 30 Tex. ADMIN. CODE § 305.126(a) requirements has been obtained. Written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance and shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager Beaumont Regional Office Texas Commission on Environmental Quality 3870 Eastex Freeway Beaumont, Texas 77703-1830 (2) A set of the property of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the

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- 3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 8. Under 30 Tex. ADMIN. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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City of Pinehurst DOCKET NO. 2007-1444-MWD-E Page 7

#### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
gol 5 rollie	3/5/2008
For the Executive Director	Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEO seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Belly C. Pent Signatufe

November 21, 2007

Name (Printed or typed)
Authorized Representative of

Title

City of Pinehurst

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.